

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Vanessa Pino, et al.,

Case No.: 2:20-cv-02191-JAD-NJK

Plaintiffs

**Remand Order**

v.

[ECF Nos. 8, 15]

Walmart, Inc.,

Defendant

The estate and heirs of Antwan Graves filed this wrongful-death action in Nevada State Court. Defendant Walmart, Inc. removed this case to this court under 28 U.S.C. § 1332 and 1441(b) based on diversity of citizenship.<sup>1</sup> Plaintiff moves to remand, arguing that the defendant missed the removal window because it should have known from the face of the complaint that the federal jurisdictional threshold is satisfied here.<sup>2</sup> Walmart responds that it did not know until the petition for exemption from arbitration was filed that the threshold was met.<sup>3</sup> The court finds that remand is proper based on the timing of removal—not because it was late, but because it was premature—as neither the complaint nor the petition for exemption from arbitration reveals the value of the claims sufficiently to ascertain that this case is removable.<sup>4</sup> For the reasons stated on the record during today’s hearing on the motion to remand, IT IS HEREBY ORDERED that:

- Plaintiff’s Motion to Remand [ECF No. 8] is **GRANTED**;

<sup>1</sup> ECF No. 6.

<sup>2</sup> ECF No. 8.

<sup>3</sup> ECF No. 11.

<sup>4</sup> See 28 U.S.C. §§ 1446(b)(1), 1446(b)(3).

- The Clerk of Court is directed to **REMAND this case back to the Eighth Judicial District Court, Department 8, Case No. A-20-819322-C**, and CLOSE THIS CASE; and
- Walmart's motion to dismiss **[ECF No. 15]** is **DENIED** without prejudice as moot because this case is terminating.

Dated: January 14, 2021

  
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U.S. District Judge Jennifer A. Dorsey